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The last chapter, on military affairs, is not quite up to the standard of the remainder of the work; its arrangement and condensation making it somewhat of an anti-climax to an otherwise excellent monograph. The Appendix contains lists of the royal commissions issued, of the speakers of the house, and of the assemblies. The chief sources referred to are the Provincial Papers and the New Hampshire State Papers.

The author, in general, limits himself to statements of fact, and draws few conclusions. A few exceptions are found, for instance, on p. 87, where, discussing the union of New Hampshire and Massachusetts under the same governor, he states, "Although the personal union of the two provinces was undoubtedly a distinct advantage when considered from a military standpoint, it was in many respects detrimental to the interests of New Hampshire and gave rise at times to considerable friction and ill-feeling." Again, on p. 208, after tracing the expanding powers of the lower house, he says, "It is highly probable that the lower house would have made still further inroads upon the various powers of the governor and council, had not the Revolution broken out and swept away the royal government."

RAYMOND GARFIELD GETTELL.

*Legislative and Judicial History of the Fifteenth Amendment.* By JOHN MABRY MATHEWS. (Baltimore: The Johns Hopkins Press. 1909. Pp. 126.)

Mr. Mathews has written an accurate, well-balanced study that is remarkably free from errors, and also treats of a controversial subject with fine self-control and little show of partisan judgment. The monograph traces the formation of the fifteenth amendment and its passage through congress, the interpretation put upon it by that body, the ratification by the states, enforcement legislation, and judicial interpretation, with the status of the last at the present time.

Says the author: "The groups of men favoring a suffrage amendment of some kind were . . . the politicians, who aimed at congressional control over southern elections; the nationalists, who desired a strong central government, and the universal suffragists, or humanitarians, as they may be called, who were laboring to base the enjoyment of political rights upon no distinction less comprehensive than humanity itself. Over against all three of these, and opposed to a suffrage amendment of any kind, were the local autonomists, proud of local tradition

and jealous of national interference in local concerns" (p. 22). He states further a fact now thoroughly appreciated by students of the reconstruction period—that the "politician was the initiator and real engineer of the movement, and without him it is probable that nothing could have been done" (p. 22). The political supremacy of the republican party must be secured at all hazards. The justification of the act of the politician is another matter.

A remarkable fact that the reader of the monograph will note is that while opposition to the amendment both in congress and in the country at large centered around the two heads of opposition to centralization of power in the national government and the negro's unfitness to vote, yet the former was urged almost to the entire exclusion of the latter. We of today, in the light of forty years' subsequent history, are almost tempted to overlook entirely the question of aggrandizement of the national government, so much more occupied are we with the vital question of the proper basis for the franchise in every state of the Union.

Congress has attempted enforcement legislation, but "the net result . . . is that the bulk [of it] . . . has been rendered inoperative, and what still remains in force possesses little vitality" (p. 96). As a matter of fact, our national legislative body seems inclined to regard the matter as one for judicial settlement. On the other hand the courts have decided (1) that "the amendment does not confer the right to vote upon any one, and that the discrimination prohibited by the amendment is that which is due solely to race, etc." (pp. 107, 108),<sup>1</sup> (2) that it "relates solely to action by the United States or by any state and does not contemplate wrongful individual acts" (p. 113).<sup>2</sup> Mr. Mathews also notes the apparent desire of the courts to shift the duty of redressing wrongs under the fifteenth amendment to the political department of the government (p. 125). His conclusion is: "The real reason behind the attitude of both congress and the courts is the apathetic tone of public opinion, which is the final arbiter of the question. In the technical sense, the amendment is still a part of the supreme law of the land. But as a phenomenon of the social consciousness, a rule of conduct, no matter how authoritatively promulgated by the nation, if not supported by the force of public opinion, is already in process of repeal" (p. 126).

WILLIAM STARR MYERS.

<sup>1</sup>United States *vs.* Reese, 92 U. S., 214.

<sup>2</sup>Justice Brewer in James *vs.* Bowman, 190 U. S., 127.